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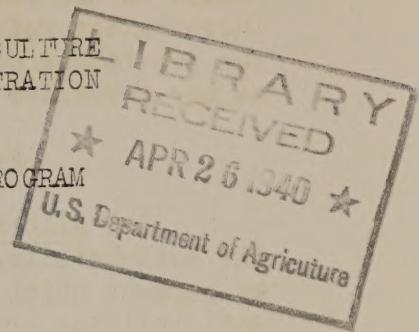
ACP-1940-Alaska

Issued April 3, 1940

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1940 AGRICULTURAL CONSERVATION PROGRAM  
BULLETIN-ALASKA

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Payments and grants of aid will be made for participation in the 1940 Agricultural Conservation Program in Alaska (hereinafter referred to as the 1940 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

Section 1 - SOIL-BUILDING PRACTICES

(a) Allowance in connection with soil-building practices. -

The soil-building allowance for a farm is the maximum amount of payment which will be made for carrying out on the farm the soil-building practices specified in subsection (c) of this section. This allowance for any farm will be the sum of the following:

(1) \$4.00 per acre, not in excess of 10 acres, and \$1.00 per acre, in excess of 10 acres, of cropland in the farm; and

(2) 40 cents per acre, not in excess of 1,000 acres, and 10 cents per acre, in excess of 1,000 acres, of pasture land included in the farm but not included in the cropland.

(b) Payment in connection with soil-building practices. -

Payment will be made, within the limit of the soil-building allowance established for the farm in accordance with subsection (a) of this section, for carrying out in the calendar year 1940 any of the soil-building practices listed in subsection (c), at the rate of \$1.00 per unit of practice, provided the practice is carried out by methods and with kinds of seeds, trees, and other materials that conform to good farming practice and in accordance with the specifications listed herein and any additional specifications that may be issued by the regional director to assure that the soil-building practices will be performed in workmanlike manner and in accordance with good farming practices for the locality.

No payment will be made with respect to practices carried out with labor and materials (other than trees) furnished entirely by any Federal or Territorial agency. If a portion of the labor, seed, or other materials (except trees) used in carrying out any practice is furnished by a Federal or Territorial agency and this portion represents one-half or more of the total cost of carrying out the practice, no payment will be made with respect to it; if this portion represents less than one-half of the total cost of carrying out the practice, payment will be made with respect to one-half of it: Provided. That labor, seed, trees, and materials furnished to the Territory of Alaska, or a political subdivision or agency thereof, by an agency of the Territory shall

not be deemed to have been furnished by "any . . . Territorial agency" within the meaning of this paragraph.

(c) Schedule of soil-building practices. - The following practices in the amounts specified will be counted as the number of units specified for each:

(1) Interplanting protective nondepleting cover crops with other crops. Each acre will be counted as 2 units.

(2) Planting protective nondepleting cover crops in rotation with other crops. Each acre will be counted as 3 units.

(3) Using protective nondepleting cover crops for green manuring. Each acre will be counted as 4 units.

(4) Planting perennial varieties of protective non-depleting cover crops on properly prepared land for permanent pasture or for cutting green for livestock feed. Each acre will be counted as 4 units.

(5) Strip-cropping land of 2 percent or more slope along lines deviating not more than 2 percent from contour lines with protective nondepleting cover crops or perennial varieties of crops which will prevent soil washing. Each acre will be counted as 1 unit.

(6) Seeding pasture land with good seed of adapted varieties of perennial grasses or legumes which do not require preparation of a seed bed. Each 5 pounds of seed sown will be counted as 1 unit.

(7) Applying crop residue on the surface of soil subject to serious wind erosion to promote the establishment of a permanent vegetative cover. Each 10 cubic yards applied will be counted as 1 unit.

(8) Plowing (unless plowed in 1939 in preparation for planting in 1940), planting, and cultivating land of 2 percent or more slope along lines deviating not more than 2 percent from contour lines. In the case of land planted to truck crops, each acre will be counted as 2 units; in the case of land planted to other crops, each 2 acres will be counted as 1 unit.

(9) Listing land along lines deviating not more than 2 percent from contour lines for fallowing or for planting protective nondepleting cover crops. Each 2 acres will be counted as 1 unit.

(10) Constructing permanent ditching on land of 6 percent or more average slope, with suitable outlets, for the diversion

of surface water to prevent soil washing. No credit will be given for ditches of more than 4 percent slope nor for any temporary field ditching nor any ditching primarily for purposes of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing. When constructed on land where the topography, stoniness, or size of fields requires that the ditching be constructed entirely by hand labor, each 250 linear feet of ditching will be counted as 1 unit; when constructed on other land, each 500 linear feet of ditching will be counted as 1 unit.

(11) Constructing a sufficient amount of continuous terrace to give adequate protection against erosion. No credit will be given for more than 500 feet of terrace per acre nor for Mangum-type terraces on land of 20 percent or more slope. Each 100 feet of terrace will be counted as 1 unit.

(12) Filling shallow gullies, not more than 4 feet deep, when accompanied by the construction of adequate check dams properly spaced along the gully to prevent washing out. Each 8 cubic yards of fill or construction will be counted as 1 unit.

(13) Constructing and maintaining check dams in gullies. Each 10 linear feet of dams constructed will be counted as 1 unit.

(14) Establishing a good stand of erosion-resistant perennial grasses in gullies. Each 4,000 square feet will be counted as 1 unit.

(15) Applying ground limestone or its equivalent. Each ton will be counted as 5 units but credit will not be given for the application of more than 2 tons per acre.

(16) Applying 20 percent superphosphate or 50 percent muriate of potash, or both, or their equivalent, to, or in connection with the seeding of, protective nondepleting cover crops. Each 100 pounds will be counted as 1 unit but credit will not be given for the application of more than 200 pounds per acre.

(17) Planting land entirely to forest trees or windbreak trees. Each acre will be counted as 5 units.

(18) Planting forest trees on the sides or crests of gulches or on erosion scars. Each 50 trees will be counted as 1 unit.

#### Sec. 2 - DIVISION OF PAYMENTS

The amount of payment earned in connection with soil-building practices carried out on the farm shall be made to the landlord, tenant, or sharecropper who carried out the soil-

building practices thereon. If more than one such person contributes to the carrying-out of soil-building practices on the farm in 1940, the payment shall be divided in the proportion that the units contributed by each person bear to the total units of practices carried out on the farm in 1940. All persons contributing to any practice carried out on a particular acreage shall be deemed to have contributed equally to the units of that practice unless they establish to the satisfaction of the State office that their respective contributions thereto were not in equal proportion, in which event the units shall be divided in the proportion which the State office finds each person contributed thereto.

Sec. 3 - INCREASE IN SMALL PAYMENTS

The total payment computed under sections 1 and 2 for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to 1.99	\$0.40	\$32.00 to 32.99	\$10.40
2.00 to 2.99	0.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.99	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.20	52.00 to 52.99	13.20
22.00 to 22.99	8.40	53.00 to 53.99	13.30
23.00 to 23.99	8.60	54.00 to 54.99	13.40
24.00 to 24.99	8.80	55.00 to 55.99	13.50
25.00 to 25.99	9.00	56.00 to 56.99	13.60
26.00 to 26.99	9.20	57.00 to 57.99	13.70
27.00 to 27.99	9.40	58.00 to 58.99	13.80
28.00 to 28.99	9.60	59.00 to 59.99	13.90
29.00 to 29.99	9.80	60.00 to 185.99	14.00
30.00 to 30.99	10.00	186.00 to 199.99	(1)
31.00 to 31.99	10.20	200.00 and over	(2)

(1) Increase to \$200.00.

(2) No increase.

Sec. 4 - PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made in connection with

programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

Sec. 5 - GENERAL PROVISIONS RELATING TO PAYMENTS

(a) Payment restricted to effectuation of purposes of the program. - All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld (1) if he has adopted any practices which the Secretary determines tend to defeat any of the purposes of the 1940 or previous agricultural conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which the payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he has adopted any practice which the regional director finds is contrary to sound conservation practices.

(b) Payment computed and made without regard to claims. - Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection (c) of this section 5 and for indebtedness to the United States subject to set-off under orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) Assignments. - Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in the payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70-Insular) issued by the Agricultural Adjustment Administration.

Nothing contained in this section 5 shall be construed to give an assignee a right to any payment other than that to which

the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

Sec. 6. - APPLICATION FOR PAYMENT

(a) Persons eligible to file applications. An application for payment with respect to a farm may be made by any person for whom, under the provisions of section 2, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown or livestock produced on the farm under a lease or operating agreement, or (2) who is owner of the farm and participates thereon in 1940 in carrying out approved soil-building practices.

(b) Time and manner of filing application and information required. - Payment will be made only upon application submitted through the State office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which he is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any other form or information required is not submitted to the State office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms, any time limit fixed to be such as affords a full and fair opportunity to those eligible to file the form within the limit prescribed. Notice shall be given by mailing it to the office of each county agricultural extension agent and making copies of it available to the press.

Sec. 7 - APPEALS

Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the State office in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any farm in which he has an interest: (a) eligibility to file an application for payment; (b) the division of payment; or (c) any other matter affecting the right to or the amount of his payment with respect to the farm. The State office shall notify him of its decision in writing within 15 days after receipt of a written request for reconsideration. If he is dissatisfied with the decision of the State office, he may, within 15 days after the decision is forwarded to or made available to him, request the regional director to review the decision of the State office.

Sec. 8 - DEFINITIONS

For the purposes of the 1940 program, unless the context otherwise requires:

SECRETARY means the Secretary of Agriculture of the United States.

ADMINISTRATOR means the Administrator of the Agricultural Adjustment Administration.

REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the agricultural conservation programs in the Insular Region.

INSULAR REGION means the area included in the Territory of Alaska, the Territory of Hawaii, and Puerto Rico.

STATE OFFICE means the office of the Agricultural Adjustment Administration in Fairbanks, Territory of Alaska.

PERSON means an individual, partnership, association, corporation, trust, or estate, and, wherever applicable, a State, territory, or possession, or a political subdivision or agency thereof.

LANDLORD OR OWNER means a person who owns land and either rents it to another person or operates it himself.

SHARECROPPER means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

TENANT means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

FARM means all tracts of cropland, pasture land, and other farm land in Alaska, operated by one or more persons in 1940 as a single farming unit, with cropping practices, work stock, farm machinery, management, and labor substantially separate from that for any other such unit.

CROPLAND means farm land which is tilled annually or in a regular rotation or is devoted to bearing or nonbearing orchards other than abandoned orchards.

ORCHARDS means the acreage in planted fruit trees, nut trees, vineyards, or bush fruits.

PASTURE LAND means farm land on which the predominant growth is forage suitable for grazing and on which the number and spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

PROTECTIVE NONDEFLETING COVER CROPS means any of the following:  
(1) all grasses, (2) field peas, cow peas, and soy beans, provided  
the vines are not removed from the land, (3) alfalfa, vetch, clover,  
lespedéza and lupines, and (4) any other crops specified by the  
Administrator.

Sec. 9 - AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

(a) Authority. - This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended. In connection with the effectuation of the purposes of section 7(a) of said Act in 1940, payments and grants of aid will be made for participation in the 1940 program as provided for herein or in accordance with any modifications thereof or other provisions as may hereafter be made.

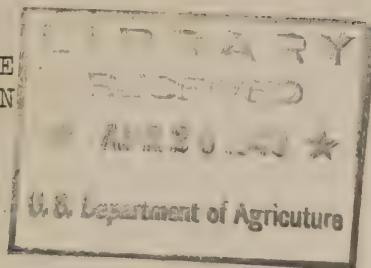
(b) Availability of funds. - The provisions of the 1940 program are necessarily subject to all legislation affecting the program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of payments and grants of aid will necessarily be within the limits finally determined by such appropriation, its apportionment under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. As an adjustment for participation, the rates of allowance and payment with respect to any commodity or item of payment may be increased or decreased from the rates set forth herein by as much as 10 percent.

(c) Applicability. - The provisions of the 1940 program contained herein, except where the context otherwise indicates, are applicable only to the Territory of Alaska. They do not apply to land in which the beneficial ownership is in the United States regardless of under what department it is administered. They are applicable, however, to land in which the beneficial ownership is in the Territory of Alaska.

Done at Washington, D. C.,  
this 3rd day of April 1940.  
Witness my hand and the seal of  
the Department of Agriculture.

(S E A L)

/S/ H. A. Wallace  
Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION1940 AGRICULTURAL CONSERVATION PROGRAM  
BULLETIN—PUERTO RICO

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Payments and grants of aid will be made for participation in the 1940 Agricultural Conservation Program in Puerto Rico (hereinafter referred to as the 1940 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

#### Section 1 - SOIL-BUILDING PRACTICES

(a) Allowance in connection with soil-building practices. - The soil-building allowance for a farm is the maximum amount of payment which will be made for carrying out on the farm the soil-building practices specified in subsection (c) of this section. This allowance for any farm will be the sum of the following:

(1) \$4.00 per acre, not in excess of 10 acres, and \$1.00 per acre, in excess of 10 acres, of cropland in the farm in excess of the sum of the largest acreage devoted to sugarcane at any one time in 1940 and the tobacco acreage allotment established for the farm; and

(2) 40 cents per acre, not in excess of 1,000 acres, and 10 cents per acre, in excess of 1,000 acres, of pasture land included in the farm but not included in the cropland.

(b) Payment in connection with soil-building practices. - Payment will be made, within the limit of the soil-building allowance established for the farm in accordance with subsection (a) of this section, for carrying out in the calendar year 1940 any of the soil-building practices listed in subsection (c), at the rate of \$1.00 per unit of practice, provided the practice is carried out by methods and with kinds of seeds, trees, and other materials that conform to good farming practice and in accordance with the specifications listed herein and any additional specifications that may be issued by the regional director to assure that the soil-building practices will be performed in workmanlike manner and in accordance with good farming practices for the locality.

No payment will be made with respect to practices carried out with labor and materials (other than trees) furnished entirely by any Federal agency or any agency of Puerto Rico. If a portion of the labor, seed, or other materials (except trees) used in carrying out any practice is furnished by a Federal agency or any agency of Puerto Rico and this portion represents one-half or more of the total cost of carrying out the practice, no payment will be made with respect to it; if this portion represents less than one-half of the total cost of carrying out the practice, payment will be made with respect to one-half of it: Provided. That labor, seed, trees, and materials furnished to Puerto Rico, or a political subdivision or agency thereof, by an agency of Puerto Rico shall not be deemed to have been furnished by "any agency of Puerto Rico" within the meaning of this paragraph.

(c) Schedule of soil-building practices. - The following practices in the amounts specified will be counted as the number of units specified for each:

(1) Interplanting protective nondepleting cover crops with other

crops. Each acre will be counted as 1 unit.

(2) Planting protective nondepleting cover crops in rotation with other crops. Each acre will be counted as 2 units.

(3) Using protective nondepleting cover crops for green manuring. Each acre will be counted as 3 units.

(4) Planting perennial varieties of protective nondepleting cover crops on properly prepared land for permanent pasture or for cutting green for livestock feed. Each acre will be counted as 3 units.

(5) Seeding pasture land with good seed of adapted varieties of perennial grasses or legumes which do not require preparation of a seed bed. Each acre seeded will be counted as 2 units.

(6) Elimination of pasture-destroying plants by cutting down heavy infestations of

Santa maria (Lantana involucrata)

Zarsa . . . (Acacia riparia)

Tunas . . . (Opuntia species, Cactus species, and other species of the family Cactaceae)

Albabaca. . (Ocimum mieranum, Ocimum basilicum)

Margarita . (Bidens pilosa)

Cadillo . . (Triumfetta species)

Jaraguazo . (Varronia corymbosa)

on noncrop pasture land. Each 4 acres will be counted as 1 unit.

(7) Planting shade trees on pasture land, by planting seedling trees or cuttings of suitable varieties, adequately protected from destruction by grazing animals. Each 50 trees will be counted as 1 unit.

(8) Plowing (unless plowed in 1939 in preparation for planting in 1940), planting, and cultivating land of 2 percent or more slope along lines deviating not more than 2 percent from contour lines. Each 2 acres will be counted as 1 unit.

(9) Constructing permanent ditching on land of 6 percent or more average slope, with suitable outlets, for the diversion of surface water to prevent soil washing. No credit will be given for ditches of more than 4 percent slope nor for any temporary field ditching nor for any ditching constructed primarily for purposes of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing. When constructed on land where the topography, stoniness, or size of fields requires that the ditching be constructed entirely by hand labor, each 250 linear feet of ditching will be counted as 1 unit; when constructed on other land, each 500 linear feet of ditching will be counted as 1 unit.

(10) Constructing temporary ditching on fields of 6 percent or more average slope, with suitable outlets, for the diversion of surface

water to prevent soil washing. No credit will be given for ditches of more than 4 percent slope nor for any ditching constructed primarily for purposes of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing. When constructed on land where the topography, stoniness, or size of fields requires that the ditching be constructed entirely by hand labor, each 1000 linear feet of ditching will be counted as 1 unit; when constructed on other land, each 2000 linear feet of ditching will be counted as 1 unit.

(11) Lining with sod permanent ditches constructed on land of 6 percent or more slope, with suitable outlets, for the diversion of surface water to prevent soil washing. No credit will be given on temporary field ditching or any ditching primarily for the purpose of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing. Each 200 square feet of ditch surface lined will be counted as 1 unit.

(12) Planting stiff-stemmed upright grasses such as elephant grass, marker grass or Guatemalá grass in rows along lines deviating not more than 2 percent from contour lines on land with 10 percent or more slope, with a vertical distance between rows of not more than 6 feet and with free outlets for surplus water. Each acre will be counted as 2 units.

(13) Furrowing fallow land or noncrop pasture land of 10 percent or more slope along lines deviating not more than 2 percent from contour lines with furrows not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and with intervals between furrows not more than 15 feet. Each acre will be counted as 1 unit.

(14) Constructing, and maintaining throughout 1940, individual catch pits in connection with the planting of any crop other than coffee on land of more than 15 percent slope. Each 500 catch pits constructed and maintained will be counted as 1 unit, but credit will not be given for more than 3 units per acre.

(15) Maintaining throughout 1940 individual catch pits constructed prior to 1940 in connection with the planting of any crop other than coffee on land of more than 15 percent slope. Each 750 catch pits maintained will be counted as 1 unit, but credit will not be given for more than 2 units per acre.

(16) Filling shallow gullies, not more than 4 feet deep, when accompanied by the construction of adequate check dams properly spaced along the gully to prevent washing out. Each 8 cubic yards of fill or construction will be counted as 1 unit.

(17) Constructing and maintaining check dams in gullies. Each 10 linear feet of dams constructed will be counted as 1 unit.

(18) Applying ground limestone or its equivalent. Each ton will be counted as 3 units, but credit will not be given for the application of more than 2 tons per acre.

(19) Applying 20 percent superphosphate or 50 percent muriate of potash, or both, or their equivalent, to, or in connection with the seeding of, protective nondepleting cover crops. Each 100 pounds will be counted as 1 unit, but credit will not be given for the application of more than 200 pounds per acre.

(20) Planting land entirely to forest trees or windbreak trees. Each acre will be counted as 5 units.

(21) Planting shade trees in established coffee groves by planting seedling trees or cuttings. Each 50 trees will be counted as 1 unit.

(22) Cultivating, protecting, improving, and maintaining a good stand of shade trees planted in coffee groves prior to 1940. Each 2 acres will be counted as 1 unit.

(23) Constructing, and maintaining throughout 1940, individual terraces around or catch pits among coffee trees. Each 200 terraces or catch pits constructed and maintained will be counted as 1 unit.

(24) Maintaining throughout 1940 individual terraces constructed around or catch pits constructed among coffee trees prior to 1940. Each 500 terraces or catch pits maintained will be counted as 1 unit.

(25) Applying coffee pulp around coffee trees to which coffee pulp was not applied in 1939, providing it is applied to all trees on the acreage on which the practice is carried out and at the rate of not less than an average of 3 pounds (fermented weight) per tree. Each acre so treated will be counted as 2 units. Fresh pulp applied shall be converted to its fermented-weight equivalent on the basis of: 2 pounds of fresh pulp equal 1 pound of fermented pulp.

(26) Incorporating in the soil the entire residue of a pineapple crop. Each acre will be counted as 2 units.

(27) Planting land to a normal number of trees for use as support and shade for vanilla, by planting cuttings on suitably prepared land. Each acre will be counted as 5 units.

#### Sec. 2 - TOBACCO

(a) State allotment. - The State allotment of tobacco for Puerto Rico will be established by the Secretary.

(b) Farm allotment. - The State office shall establish tobacco acreage allotments in accordance with the provisions of this subsection and instructions issued by the Agricultural Adjustment Administration.

(1) A tobacco acreage allotment shall be determined for each farm for which a tobacco acreage allotment was, or could have been, established under the 1939 Agricultural Conservation Program on the basis of the tobacco acreage allotment which was or could have been established for the

farm under the 1939 Agricultural Conservation Program, the land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco: Provided, That no farm shall be considered under the provisions of this paragraph (1) unless tobacco has been grown thereon during either the 1938-39 tobacco season or the 1939-40 tobacco season.

(2) The tobacco acreage allotment for any farm on which tobacco is produced in the 1940-41 tobacco season for which no allotment can be established under paragraph (1) of this section shall be determined on the basis of the land, labor and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

(3) The sum of the farm acreage allotments shall not exceed the State allotment.

(c) Payment in connection with tobacco acreage allotment. - Payment will be made with respect to any farm for each acre in the tobacco acreage allotment established for the farm. The rate of payment will be established by the Secretary prior to the beginning of the 1940-41 tobacco season.

(d) Deduction for excess tobacco acreage. - The payment computed for any farm under sections 1 and 2 shall be subject to a deduction for each acre planted to tobacco on the farm in excess of the tobacco acreage allotment established for the farm. The rate of deduction will be established by the Secretary prior to the beginning of the 1940-41 tobacco season.

### Sec. 3 - DIVISION OF PAYMENTS AND DEDUCTIONS

(a) Payments in connection with soil-building practices. - The amount of payment earned in connection with soil-building practices carried out on the farm shall be made to the landlord, tenant, or sharecropper who carried out the soil-building practices thereon. If more than one such person contributes to the carrying-out of soil-building practices on the farm in 1940, the payment shall be divided in the proportion that the units contributed by each person bear to the total units of practices carried out on the farm in 1940. All persons contributing to any practice carried out on a particular acreage shall be deemed to have contributed equally to the units of that practice unless they establish to the satisfaction of the State office that their respective contributions thereto were not in equal proportion, in which event the units shall be divided in the proportion which the State office finds each person contributed thereto.

(b) Payments and deductions in connection with tobacco acreage allotments. - The net payment or net deduction computed for any farm with respect to the tobacco acreage allotment shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either acreages or per-

centages) that these persons are entitled at the time of harvest to share in the proceeds (other than a fixed commodity payment) of the tobacco crop grown on the farm in the 1940-41 tobacco season: Provided, That if because of crop failure the harvested acreage of tobacco is less than the planted acreage of the crop and the State office finds, in accordance with instructions issued by the Agricultural Adjustment Administration, that use of the harvested acreage as a basis for the division of the net payment or net deduction would result in a materially different division from that which would result from the use of the planted acreage, the net payment or net deduction shall be divided among the landlords, tenants, and sharecroppers in the proportion that the State office determines that these persons would have shared in the proceeds of the tobacco crop if the entire acreage planted to the crop in the 1940-41 tobacco season had been harvested: Provided further, That if tobacco is not grown on the farm in the 1940-41 tobacco season, the net payment or net deduction shall be divided among the landlords, tenants, and sharecroppers in the proportion that the State office determines that these persons would have shared in the proceeds of the tobacco crop if the entire acreage in the tobacco acreage allotment had been planted and harvested in the 1940-41 tobacco season.

(c) Proration of net deductions. - If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on the farm, the sum of the net deductions computed for all persons on the farm shall be prorated among the persons on the farm for whom a net payment is computed, on the basis of the computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to this farm and the amount of the net deductions in excess of the net payments shall be prorated among the persons on the farm for whom a net deduction is computed, on the basis of the computed net deductions.

#### Sec. 4 - INCREASE IN SMALL PAYMENTS

The total payment computed under sections 1 to 3, inclusive, for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to 1.99	\$0.40	\$32.00 to 32.99	\$10.40
2.00 to 2.99	0.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.99	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.20	52.00 to 52.99	13.20
22.00 to 22.99	8.40	53.00 to 53.99	13.30
23.00 to 23.99	8.60	54.00 to 54.99	13.40
24.00 to 24.99	8.80	55.00 to 55.99	13.50
25.00 to 25.99	9.00	56.00 to 56.99	13.60
26.00 to 26.99	9.20	57.00 to 57.99	13.70
27.00 to 27.99	9.40	58.00 to 58.99	13.80
28.00 to 28.99	9.60	59.00 to 59.99	13.90
29.00 to 29.99	9.80	60.00 to 185.99	14.00
30.00 to 30.99	10.00	186.00 to 199.99	(1)
31.00 to 31.99	10.20	200.00 and over	(2)

(1) Increase to \$200.00.

(2) No increase.

Sec. 5 - PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The

total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

#### Sec. 6 - DEDUCTIONS INCURRED ON OTHER FARMS

If the deduction computed under section 2 with respect to any farm exceeds the payment computed under sections 1 and 2 for full performance on the farm, a landlord's or tenant's share of the amount by which the deduction exceeds the payment shall be deducted from the payments which would otherwise be made to him with respect to any other farms in Puerto Rico.

#### Sec. 7 - GENERAL PROVISIONS RELATING TO PAYMENTS

(a) Payment restricted to effectuation of purposes of the program. - All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld (1) if he has adopted any practices which the Secretary determines tend to defeat any of the purposes of the 1940 or previous agricultural conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which the payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he has adopted any practice which the regional director finds is contrary to sound conservation practices.

Payments other than payments in connection with soil-building practices will be made only with respect to farms which are being operated in 1940.

(b) Payment computed and made without regard to claims. - Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection (d) of this section 7 and for indebtedness to the United States subject to set-off under orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. - If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord and the tenants or sharecroppers and this change would cause a greater proportion of the payments to be made to the landlord under the 1940 program than would have been made to the landlord for performance on the farm under the 1939 program, payments to the landlord under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1939 had been continued in 1940, if the State office certifies that the change is not justified and disapproves it.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and the reduction would increase the payments that would otherwise be made to the landlord, payments to the landlord shall not be greater than the amount that would otherwise be made if the State office certifies that the reduction is not justified and disapproves such reduction.

If the State office finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which the latter would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1940 program.

(d) Assignments. - Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in the payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70-Insular) issued by the Agricultural Adjustment Administration.

Nothing contained in this section 7 shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the

existence of any such assignment.

Sec. 8 - APPLICATION FOR PAYMENT

(a) Persons eligible to file applications. - An application for payment with respect to a farm may be made by any person for whom, under the provisions of section 3, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown or livestock produced on the farm under a lease or operating agreement, or (2) who is owner of the farm and participates thereon in 1940 in carrying out approved soil-building practices.

(b) Time and manner of filing application and information required. - Payment will be made only upon application submitted through the State office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which he is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any other form or information required is not submitted to the State office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms, any time limit fixed to be such as affords a full and fair opportunity to those eligible to file the form within the limit prescribed. Notice shall be given by mailing it to the office of each county agricultural extension agent and making copies of it available to the press.

(c) Applications for other farms. - If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in Puerto Rico and makes application for payment with respect to one of these farms, he must make application for payment with respect to all these farms which he operates or rents to other persons and on which tobacco is planted in the 1940-41 tobacco season.

(d) Land area. - All calculations involving land area will be made on the basis that one cuerda equals 0.97 acre.

Sec. 9 - APPEALS

Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the State office in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any farm in which he has an interest: (a) eligibility to file an application for payment; (b) tobacco acreage allotment; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The State office shall notify him of its decision in writing within 15 days after receipt of a written request for reconsideration. If he is dissatisfied with the decision of the State office, he may, within 15 days

after the decision is forwarded to or made available to him, request the regional director to review the decision of the State office.

Sec. 10 - DEFINITIONS

For the purposes of the 1940 program, unless the context otherwise requires:

SECRETARY means the Secretary of Agriculture of the United States.

ADMINISTRATOR means the Administrator of the Agricultural Adjustment Administration.

REGIONAL DIRECTOR means the director of the division of the Agricultural Adjustment Administration in charge of the agricultural conservation programs in the Insular Region.

INSULAR REGION means the area included in the Territory of Alaska, the Territory of Hawaii, and Puerto Rico.

STATE OFFICE means the office of the Agricultural Adjustment Administration in San Juan, Puerto Rico.

PERSON means an individual, partnership, association, corporation, trust, or estate, and, wherever applicable, a State, territory, or possession, or a political subdivision or agency thereof.

LANDLORD OR OWNER means a person who owns land and either rents it to another person or operates it himself.

SHARECROPPER means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

TENANT means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

FARM means all tracts of cropland, pasture land, and other farm land in Puerto Rico, operated by one or more persons in 1940 as a single farming unit, with cropping practices, work stock, farm machinery, management, and labor substantially separate from that for any other such unit, and including any other land which serves as a watershed for the supply of water for the farm and on which any applicable soil-building practice is performed.

CROPLAND means farm land which is tilled annually or in a regular rotation or is devoted to bearing or nonbearing orchards other than abandoned orchards.

ORCHARDS means the acreage in planted fruit trees, nut trees, coffee trees, banana plants, or vineyards.

PASTURE LAND means farm land on which the predominant growth is forage suitable for grazing and on which the number and spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

TOBACCO SEASON means the period beginning on September 1 of one calendar year and ending on March 31 of the succeeding calendar year.

PROTECTIVE NONDEPLETING COVER CROPS means any of the following: (1) all grasses, (2) field peas, cow peas, pigeon peas, gandule, soy beans, velvet beans, sword beans, field beans and sweetpotatoes not grown for commercial purposes, and crotalaria, provided the vines are not removed from the land, (3) alfalfa, vetch, clover, lespedeza, and lupines, and (4) any other crops specified by the Administrator.

Sec. 11 - AUTHORITY, AVAILABILITY OF FUNDS, AND  
APPLICABILITY

(a) Authority. - This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended. In connection with the effectuation of the purposes of section 7(a) of said Act in 1940, payments and grants of aid will be made for participation in the 1940 program as provided for herein or in accordance with any modifications thereof or other provisions as may hereafter be made.

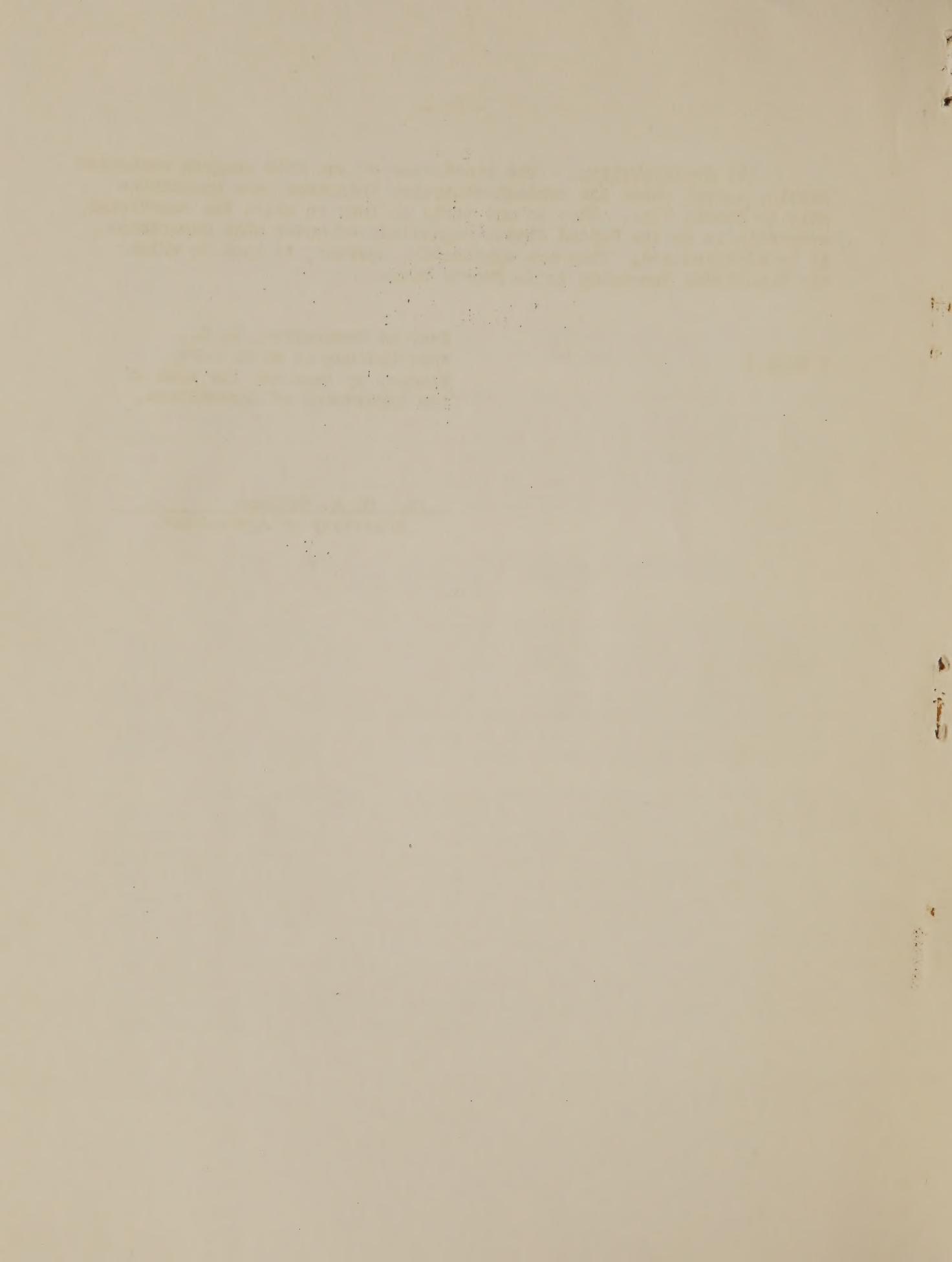
(b) Availability of funds. - The provisions of the 1940 program are necessarily subject to all legislation affecting the program as the Congress of the United States may hereafter enact: the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of payments and grants of aid will necessarily be within the limits finally determined by such appropriation, its apportionment under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. As an adjustment for participation, the rates of allowance, payment, and deduction with respect to any commodity or item of payment may be increased or decreased from the rates set forth herein by as much as 10 percent.

(c) Applicability. - The provisions of the 1940 program contained herein, except where the context otherwise indicates, are applicable only to Puerto Rico. They do not apply to land in which the beneficial ownership is in the United States regardless of under what department it is administered. They are applicable, however, to land in which the beneficial ownership is in Puerto Rico.

( SEAL )

Done at Washington, D. C.,  
this 3rd day of April 1940.  
Witness my hand and the seal of  
the Department of Agriculture.

/s/ H. A. Wallace  
Secretary of Agriculture



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Issued August 21, 1940

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1940 AGRICULTURAL CONSERVATION PROGRAM  
BULLETIN - PUERTO RICO



Supplement No. 1

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1940 Agricultural Conservation Program Bulletin - Puerto Rico, issued April 3, 1940, is hereby amended as follows:

(1) Section 2 (a) is amended to read as follows:

"(a) State allotment. - The State allotment of tobacco for Puerto Rico shall be 30,000 acres."

(2) Section 2 (c) is amended to read as follows:

"(c) Payment in connection with tobacco acreage allotment. - Payment will be made with respect to any farm at the rate of \$12.00 for each acre in the tobacco acreage allotment established for the farm."

(3) Section 2 (d) is amended to read as follows:

"(d) Deduction for excess tobacco acreage. - The payment computed for any farm under sections 1 and 2 shall be subject to a deduction of \$60.00 for each acre planted to tobacco on the farm in the 1940-41 tobacco season in excess of the tobacco acreage allotment established for the farm."

Done at Washington, D. C.,  
this 21st day of August 1940.  
Witness my hand and the seal of  
the Department of Agriculture.

/s/ H. A. Wallace  
Secretary of Agriculture

